



Town of Brookline

Massachusetts

PLANNING BOARD

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Linda K. Hamlin, Chairman
Steven A. Heikin, Clerk
Robert Cook
Sergio Modigliani
Jonathan Simpson
Mark J. Zarrillo

BROOKLINE PLANNING BOARD MEETING MINUTES

Room 111, First Floor, Brookline Town Hall

March 12, 2015 – 7:30 p.m.

Board Present: Linda Hamlin, Steven Heikin, Robert Cook,
Sergio Modigliani, Jonathan Simpson and Mark Zarrillo

Staff Present: Polly Selkoe and Maria Morelli

Chair Linda Hamlin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

281 Mason Terrace – extend living space into the basement requiring FAR variance relief (4/2)
Pct. 11

Introduction

Polly Selkoe described the requested relief. The Applicant, Dan Simkovitz and Juliette Landesman, explained the reasons for extending living space into the basement. Because of Mr. Simkovitz's eye condition, he is sensitive to daylight; a basement living space will provide a controlled lighting environment. In addition, the basement conversion will allow other generations of his family to live at the address enabling him and his wife to stay in their home as they get older. Attorneys Adam Borowsky and Bailey Gaffney of Robert L. Allen Law Office represented the Applicant. They cited a prior taking of land from this lot by the Town of Brookline.

Board Discussion

Mr. Modigliani asked the Attorney Gaffney to confirm that the taking of land was from the lot identified as 281 Mason Terrace. Attorney Gaffney was confident that this is true. Mr. Modigliani asked for clarification for the following (responses follow):

- a. On the basement plan, the stairs rise toward the front of the house? *Response:* Yes.
- b. Is the basement window below grade? *Response:* The window is existing. Because of the window well and shrubs, it will be difficult to see the window.
- c. On the surveyor's plan, is there parking at the rear? *Response:* Yes

- d. Are the configurations of the houses at 273 and 277 Mason Terrace identical to that of 281 Mason Terrace? *Response:* All houses have the same basement conditions.

Public Comment

1 - Joseph Ditzkoff, resident at 145 Mason Terrace, spoke not as an abutter but as the president of the Neighborhood Association. The association had been opposed to the warrant article submitted in spring 2014 seeking to rezone 273, 277, and 281 Mason Terrace from S-7 to T-6; however, because the project will not change the footprint of the structure, the association unanimously supports the request for variance for the floor-area ratio proposed.

2 - Susan Chu is the neighbor who lives in the upper unit at this address. She supports the project because it will add value to the property.

3 - Attorney Bailey Gaffney also mentioned that Mr. Simkovitz extensively reached out to 100 abutters to describe his proposal and address any concerns. Seven letters of support were submitted to the Planning Board before the meeting.

*Linda Hamlin motioned to recommend approval.
Robert Cook seconded the motion.*

Five members voted not to approve the project. Jonathan Simpson voted against the proposal because the applicant did not show how the project meets the criteria for a variance to be granted.

Voted (5-1): The Planning Board recommends approval of the plan submitted by Innovative Collaborations, Inc., dated 10/13/14, and the site plan by Peter Nolan & Associates, dated 11/26/13, subject to the following conditions:

1. Prior to the issuance of a building permit, a final site plan and final floor plan shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, final elevations shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, a final landscaping plan showing the installation of screening landscaping along the new retaining wall shall be submitted subject to the review and approval of the Assistant Director of Regulatory Planning.
4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

~~**9 Griggs Terrace** – construct an enclosed rear entry requiring relief for side and rear yard setbacks, FAR (4/16) Pct. 10~~ **POSTPONED**

16 Monmouth Street – construct a detached four car garage, in addition to two existing parking spaces for off-site renters, for a total of six cars, requiring front and side yard setback and parking relief under Use #55 (4/9) Pct. 1

Introduction

Polly Selkoe described the requested relief. Attorney Bailey Gaffney from Robert L. Allen Law Offices stated that the proposed counterbalancing amenity is to install a hedge at the perimeter of the site and not a wrought iron fence.

Board Discussion

Ms. Hamlin asked why the garage was located so close to the lot line. The applicant responded that the goal is preserve as much of the open space in rear yard as possible.

Mr. Cook asked about the size of the tree being removed. The applicant did not know its size.

Public Comment

Richard Garver, Monmouth Street resident, is satisfied with the proposed design, but wished to make recommendations for the Construction Management Plan to alleviate the impact of construction vehicles parking in the neighborhood; namely: Could construction vehicles park in the alley way? Could the number of permits issued by the Town be limited to a certain number?

Attorney Gaffney responded that the applicant has no right to have construction vehicles park in the alley because a permanent easement is in place; however, she would go over the details of the Construction Management Plan with Polly Selkoe before the ZBA hearing. The Board considered limiting the number of parking permits for construction vehicles to six.

Linda Hamlin motioned to recommend approval.

Jonathan Simpson seconded the motion.

Voted (6-0): The Planning Board recommends approval of the plan submitted by Boston Survey, dated 11/5/14, and plans by Colin Smith Architecture, dated 11/11/14 and last revised 11/20/2014, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan, indicating all landscaping, fencing, and vehicular areas, subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit final elevations for the garage, indicating all materials and dimensions, subject to the review and approval of the Assistant Director of Regulatory Planning.
3. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals

decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

4. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner, Director of Transportation, and the Assistant Director for Regulatory Planning a Construction Management Plan for review and approval.

21 Loveland Road – expand front porch requiring front yard setback relief (4/9) Pct. 15

Introduction

Polly Selkoe described the requested relief. The architect from Sousa Design presented the proposal.

Board Discussion

Jonathan Simpson noted an error under Findings in the report: The proposed side yard setback should be 10 feet, not 15.3 feet.

Linda Hamlin noted the site plan and drawings are incorrect. The architect verified the discrepancies and stated that they would be corrected.

Public Comment: None

Linda Hamlin motioned to recommend approval.

Mark Zarrillo seconded the motion.

Voted (6-0): The Planning Board recommends approval of the plan submitted by Sousa Design, dated 2/24/15 subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final and corrected site plan, floor plans, and elevations, subject to review and approval by the Assistant Director of Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit a final landscaping plan indicating all counterbalancing amenities, subject to review and approval by the Assistant Director for Regulatory Planning.
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval to ensure conformance to the Board of Appeals decision: 1) final floor plans and elevations, stamped and signed by a registered architect; 2) a final site plan, stamped and signed by a registered engineer or land surveyor; and 3) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

794-796 Heath Street – demolish two-family dwelling and construct a new two-family dwelling requiring relief for use as attached dwellings (4/16) Pct. 15

Introduction

Maria Morelli described the requested relief, noting the Building Department had issued a revised denial letter removing the height and open space violations. She noted that a site plan prepared by a professional land surveyor was to be submitted to Board at the meeting and that an easement for the shared driveway is not yet in place. An illustration of the turning radius on the driveway was requested.

Attorneys Bailey Gaffney and Adam Borofsky represented the applicant, developer Laurence Wintersteen and his business partners. They stated that the Town had taken land from this lot and the abutting lot, which accounts for the undersized lots. Attorney Gaffney also stated that the under Chapter 40A, constructing a new two-family structure on an undersized lot is permitted in contrast to Section 5.15 of the Brookline zoning by-law, which permits the construction of only a single-family house under that provision. Attorney Gaffney argued that only a Special Permit not a Variance is the required finding.

Architect David O'Sullivan presented the proposal.

Board Discussion

Mr. Zarrillo did not like the design and stated that he would oppose it. He remarked that it overwhelms the surrounding homes and is too massive for the lot. He also stated the building form was not recognizable and unlike any in the neighborhood. He also believed that the applicant did not specify how the project meets any criteria for granting a variance.

Mr. Modigliani and Mr. Heikin confirmed with the architect that pedestrians would be using the shared driveway to access the unit at the rear, a condition they found unsafe and unacceptable. Ms. Hamlin agreed that this is not responsible planning and stated that she would oppose the project.

Public Comment

Rosilda Assuncao, 800 Heath Street, is a resident in the abutting two-unit condominium. She has not yet agreed to the easement for the shared driveway because she is concerned that five cars cannot be accommodated as proposed by the Applicant.

A resident at Heathwood Lane state that the proposed building appears to be too massive for the lot size and is out of scale with the surrounding homes. She also is concerned about a proposed four-car garage on a narrow driveway as well as the loss of any trees in the front yard.

Applicant's Response

Attorney Robert Allen asked that the case be continued, which was granted.

No vote was taken. This case is continued.

80-82 Bonad Road ANR Plan

Polly Selkoe presented the ANR plan to the Board for its review.

Linda Hamlin motioned to recommend approval.

Mark Zarrillo seconded the motion.

Voted (6-0): The Planning Board endorsed the ANR subdivision plan for 80-82 Bonad Road

21 Crown 40B Site Eligibility

Introduction

21 Crown is a 40B project proposed at 21 Crowninshield Road, currently being reviewed by subsidizing agency MassHousing for site eligibility.

Planner Maria Morelli described the following:

- site eligibility process under c.40B and the Town's opportunity to respond
- existing site conditions
- the proposal at 21 Crowninshield Road by applicant 21 Crown LLC (The Basile Group)
- Mass Historical Commission's pending review of Crowninshield Local Historic District
- how the proposal does not comply with zoning

She summarized that Planning Department's initial findings.

The project as designed is not appropriate for the site because it:

- physically expands the commercial streetscape into an architecturally coherent single-family neighborhood and weakens the edge of a well-defined boundary and cornerstone property
- locates a large surface parking lot in the front yard setback, adjacent to a single-family residence
- configures a two-way driveway at a problematic intersection
- underestimates visitor parking requirements
- overlooks the need for safe pedestrian walkways
- eliminates all open space, in conflict with the surrounding development pattern
- leaves no space for adequate landscaping and buffering
- makes no provisions for storing and screening rubbish and mitigating lighting glare
- introduces a building form, architectural style, and design elements incongruent with the architecturally coherent Crowninshield neighborhood
- does not break up the four-story vertical massing so that it relates to the height and scale of the surrounding homes

Board Discussion

The Board acknowledged that affordable housing can be accommodated at the site; however, the proposal itself is inappropriate. The Board emphasized that because opposing a 40B project is very challenging, the best course is to work with the developer to improve the design.

Mr. Zarrillo stated that the building form is incongruent with the Crowninshield residential neighborhood and does not face the street in a residential manner. Borrowing materials and architectural elements such as dormers from the surrounding neighborhood would be techniques for better integrating a higher-density building in this area. The parking layout needs to be diversified, so that the streetscape mimics that of the neighborhood, including increased setbacks.

Ms. Hamlin suggested that the developer refer to the State's 40B Design Review Handbook, which she finds to be a helpful resource for affordable housing developments. In particular, parking needs to be located in the rear not the front setback. The massing of the building is inappropriate. She cited the Griggs Terrace rowhouses an example of multi-unit housing that faces single- and two-family district in a residential manner.

Mr. Heikin acknowledged the admirable work of the developer in Brookline; however, this proposal is not a good start. He suggested that the developer consider a three-story building with a larger footprint and parking below the building to provide usable open space. Mr. Heikin also stated that the lack of provisions for rubbish storage was a problem.

Mr. Modigliani stated that the exterior material he associates with this neighborhood is stucco not brick. The combination of excessive height and massing make this project inappropriate. The scale of the roof is incongruent with the surrounding neighborhood.

Mr. Simpson noted that underground parking is considerably more expensive; however, a smaller project would reduce the parking program.

Public Comment

The meeting drew a large number of abutters concerned about the potential erosion of the characteristic qualities of their neighborhood. The Board heard from Barbara Scotto (Crowninshield); John Sherman, Barbara Sherman (Adams Street); Kate Poverman (Crowninshield); Janis Bellow (Crowninshield); and Nelson Brill (Adams Street).

Conclusion

Maria Morelli will prepare a letter to MassHousing on the Planning Board's behalf stating that the project as designed is not appropriate for the site for the reasons discussed. The Board hopes to work with the developer to revise the project so that it is better integrated into the Crowninshield residential neighborhood.

Minutes

The minutes for the February 19, 2015, Planning Board were approved.

Meeting adjourned at 10:00 pm.

Materials Reviewed During Meeting

- Staff Reports
- Site Plans and Elevations